NCA
VOC FOR PGM/FN
BACKGROUNDER NO. 5-6071 AUGUST 10, 1978
DOLPH HAERING/MUNICH

THE FILBINGER CASE

ANNCR:

ONE OF WEST GERMANY'S LEADING CONSERVATIVE POLITICIANS, HANS FILBINGER, RESIGNED EARLIER THIS WEEK AS PRIME MINISTER OF THE STATE OF BADEN-WUERTTEMBERG. HE GAVE IN TO HIS OWN PARTY'S PRESSURE FOLLOWING MONTHS OF PUBLIC CONTROVERSY OVER HIS ACTIVITIES AS A NAVY JUDGE DURING THE FINAL DAYS OF THE NAZI REGIME. VOA'S DOLPH HAERING HAS THIS BACKGROUND REPORT.

VOICE:

UNTIL EARLY THIS YEAR, DOCTOR HANS FILBINGER WAS A POPULAR POLITICIAN, TALKED OF AS A FUTURE WEST GERMAN PRESIDENT, A MAN WHOSE PERSONAL REPUTATION HELPED THE CONSERVATIVE CHRISTIAN DEMOCRATS WIN THE STATE OF BADEN-WUERTEMBERG SIX YEARS AGO AND TO INCREASE THAT LEAD LATER. BUT HIS REPUTATION SUDDENLY BEGAN TO FADE EARLY THIS YEAR WITH REVELATIONS ABOUT HIS ACTIVITIES AS NAVY COURT MARTIAL OFFICER IN THE LAST FEW MONTHS OF THE HITLER ERA.

WITHIN THE PAST FOUR MONTHS, IT BECAME KNOWN THAT DOCTOR FILBINGER HAD SENTENCED OR HELPED TO SENTENCE FOUR GERMAN SOLDIERS TO DEATH ON CHARGES OF DESERTION OR MUTINY. THREE WEEKS AFTER THE END OF THE WAR, AS LEGAL ASSISTANT IN A BRITISH PRISONER-OF-WAR CAMP, HE SENTENCED A SOLDIER TO SIX MONTHS FOR TEARING DOWN NAZI INSIGNIA AND CURSING THE NAZIS.

YOUNG WEST GERMANS WERE QUICK TO CRITICIZE DOCTOR FILBINGER'S WAR ACTIVITIES. THE OLDER GENERATION HAD MORE UNDERSTANDING. THE GENERAL FEELING WAS THAT, CAUGHT IN THE NAZI ERA, HE HAD DONE WHAT MANY THOUSANDS OF HIS CONTEMPORARIES HAD DONE TO AVOID CONFLICT WITH THE NAZI REGIME AND THUS TO SURVIVE.

WHAT THEN CAUSED THE PUBLIC UPROAR IN WEST GERMANY, AS WELL AS A STRONG ECHO FROM FOREIGN COUNTRIES, WAS NOT SO MUCH WHAT DOCTOR FILBINGER HAD DONE THIRTY-THREE YEARS AGO, BUT HOW HE REACTED TO REVELATIONS OF HIS PAST.

FIRST, HE ADMITTED TO BEING INVOLVED IN ONLY ONE DEATH SENTENCE. WHEN THREE MORE DEATH SENTENCES BECAME KNOWN, HE CLAIMED HE COULD NOT REMEMBER THEM, OR CALLED THEM "PHANTOM-SENTENCES," HANDED DOWN ONLY TO SET AN EXAMPLE FOR OTHERS.

BUT REGARDLESS OF WHAT HE SAID FROM THEN ON, HE SOUNDED INCREDIBLE TO MANY, CAUSING EMBARRASSMENT FOR HIS OWN PARTY.

THE FOREIGN PRESS ECHOED DOMESTIC MEDIA, GENERALLY AGREEING THAT IT WAS HIS WRONG MANEUVERING AFTER FACTS BECAME KNOWN THAT MADE THE SUCCESSFUL AND PREVIOUSLY PRAISED POLITICIAN AN ALMOST TRAGIC FIGURE. OTHER FOREIGN MEDIA, PARTICULARLY THOSE IN COMMUNIST EAST EUROPE, ASSERTED THAT DOCTOR FILBINGER WAS JUST ONE OF MANY POLITICIANS IN WEST GERMANY WITH A NAZI PAST.

WHAT APPEARS TO HAVE COST DOCTOR FILBINGER SO DEARLY WAS WHAT WAS SEEN AS HIS INFLEXIBILITY, AND LACK OF COURAGE TO ADMIT HIS WAR-TIME ACTIVITIES, AND TO APOLOGIZE.

HE STUCK TO HIS POST AS PRIME MINISTER UNTIL HIS PARTY PRESSURED HIM TO RESIGN. AND DOCTOR FILBINGER IS SAID TO STILL THINK THAT THE WHOLE AFFAIR IS ONLY A PERSONAL SMEAR CAMPAIGN AGAINST HIM BY THE WEST GERMAN POLITICAL LEFT.

MEANWHILE, HE REMAINS AT THE TOP OF THE STATE'S CHRISTIAN DEMOCRATIC PARTY. BUT SOME OF HIS OWN PARTY MEMBERS FEAR THAT THE PUBLICITY OVER HIS CASE MAY HURT THE CHRISTIAN DEMOCRATS IN FUTURE ELECTIONS. SO THE FILBINGER CASE MAY NOT YET BE OVER.

WJL/PY